REMARKS

Claims 1-21 are currently pending in the subject application and are presently under consideration. Claims 1, 10 have been amended as shown on pages 2 - 4 of the Reply. Claims 3 and 14 have been cancelled. The examiner's allowance of claim 18 if rewritten in independent form is appreciated however the applicant's representative believes that in view of the above noted amendments it is not required. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1 –5, 7 – 9, and 20 – 21 Under 35 U.S.C. §102(e)

Claims 1 –5, 7 –9 and 20 – 21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Parker et al. (US patent # 6, 112, 312). This rejection should be withdrawn for at least the following reasons. Parker et al. fails to teach or suggest *each and every element* of the subject claims.

> A single prior art reference anticipates a patent claim only if it ***expressly or inherently describes each and every limitation*** set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ***The identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention provides for a test system having a test executive software system for performing tests on units under test. To this end, independent claims 1 and 20 describe a system that tests industrial control modules comprising "...***an instrument component that ...has a virtual mode that runs the test component with the instrument in simulation mode and ...a normal mode for running the instrument in live mode.***" Parker et al. does not disclose such claim features.

Parker et al. relates to a method for generating functional test for a microprocessor having several operating modes and features. A test code file is produced by an assembler and can be executed by (i) a model of the microprocessor *or* (ii) a hardware implementation of the microprocessor. However Parker et al. nowhere discloses ***an instrument component that ...has a virtual mode that runs the test component with the instrument in simulation mode and ...a normal mode for running the instrument in live mode.*** On pages 2-3 of the Office Action the examiner contends that Parker et al discloses an instrument component comprising a virtual mode as well as a live mode. Applicant's representative respectfully avers to the contrary. In the subject invention, each instrumentation component can be written as a separate dynamic link library (DLL) that is part of a base class of an instrument subsystem. Each DLL includes several components that form the basic functionality (*e.g.*, reset, self test, setup and read components) associated with that type of instrument. Each instrument DLL has code incorporated into components of the DLL that allow for tests to be operated in either virtual mode or live mode. In contrast, Parker et al. utilize command line options to specify the operating mode of the test system. A test module template file includes a basic set of software instructions required to configure the microprocessor under test to operate in any *one* of the several operating modes and with any of the several features enabled. (Col. 4 || 47 – 51). Therefore it is clear that Parker et al. does not teach a test system wherein an instrument component that is communicatively coupled to an instrument has a virtual mode that runs the instrument in a simulation mode and a normal mode for running the instrument in a live mode.

As Parker et al. does not disclose an identical invention in as complete detail as contained in the subject claims, the rejection of independent claims 1 and 20 and claims which respectively depend therefrom should be withdrawn.

II. Rejection of Claims 1 0 - 19 Under 35 U.S.C. §102(e)

Claims 1 0 – 19 stand rejected less than 35 U.S.C. §102(e) as being anticipated by Parker et al. (US patent # 6, 112, 312). This rejection should be withdrawn for at least the following reasons. Parker et al. fails to teach or suggest *each and every element* of the subject claims.

The subject invention provides a method for testing industrial control modules, comprising ***executing the at least one test template file in simulation mode to determine if the at least one test template file operates properly and executing the at least one test template file in normal mode to test the industrial control module.*** This aspect of the subject invention is not taught by the cited prior art. At the indicated portion (Col 10 line 66 to Col 11 line 11) Parker et al. teaches a simulation system that writes a successful test message to I/O ports when the test result compares favorably with the expected test result (Col 10 || 27 – 33). However, Parker et al. does not teach a method of testing industrial control modules wherein at least one test template file is executed in simulation mode to determined if the at least one template file operates properly and then executing the tested template file in normal mode to test the industrial control module. Hence it can be concluded that Parker et al. does not anticipate claim 10. Therefore this rejection with respect to claim 10 and claims that depend there from (claims 11 – 19) should be withdrawn.

III. Rejection of Claims 6, 11 - 13 Under 35 U.S.C. §103(a)

Claims 6, and 11 - 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Parker et al. in view of *Microsoft Computer Dictionary (*Microsoft*)*. It is respectfully requested that this rejection should be withdrawn for at least the following reasons. Microsoft does not make up for the aforementioned deficiencies of Parker et al. with respect to independent claims 1 and 10 (from which the claims 6, 11 - 13 depend). Specifically Microsoft fails to teach or suggest system that tests industrial control modules comprising "***...an instrument component that ...has a virtual mode that runs the test component with the instrument in simulation mode and ...a normal mode for running the instrument in live mode.***" as recited in independent claim 1. Neither does Microsoft teach a method for testing industrial control modules wherein at least one test template file is executed in simulation mode to determined if the at least one template file operates properly and then executing the tested template file in normal mode to test the industrial control module. Therefore, the subject invention as recited in independent claims 1 and 10 (from which the claims 6, 11 - 13 depend) is not obvious over the

combination of Parker et al. and Microsoft. Thus it is respectfully requested that this rejection be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP175USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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